

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action

# United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

PLAINTIFF

PALOMAR GRADING & PAVING, INC. et al.

V. DEFENDANT AND THIRD PARTY PLAINTIFF  
WESTERN INSURANCE COMPANY

## THIRD PARTY SUMMONS IN A CIVIL ACTION

CASE NUMBER 08 CV 521 JAH WHc

V. THIRD PARTY DEFENDANT

MICHAEL NAJERA et al.

To: (Name and address of Third Party Defendant)

Richard Osgood, 13158 Lomas Verdes Drive, San Diego, CA 92064

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

STUART D. HIRSCH, ESQ. (SBN 142641)  
2150 N. Centre City Parkway  
Escondido, CA 92026

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(NAME AND ADDRESS)

SCOTT L. STONEHOCKER, ESQ. (SBN 171216)  
1540 W. Warm Springs Rd. #100  
Henderson, NV 89014

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of the summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering to the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the third party plaintiff.

CLERK

DATE

(BY) DEPUTY CLERK

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<b>RETURN OF SERVICE</b>		
Service of the summons and the complaint was made by me <sup>1</sup>		DATE
NAME OF SERVER		TITLE
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Return unexecuted:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%;"><p>Executed on _____</p><p style="text-align: center;">Date</p></div><div style="width: 45%;"><p>_____ Signature of Server</p><p>_____ Address of Server</p></div></div>		

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<sup>1</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.